

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

ANTHONY AIRHART et al.,  
Plaintiffs,  
  
v.  
  
CITY OF ABERDEEN,  
Defendant.

NO. 3:19-cv-06000-BHS

STIPULATED MOTION AND  
ORDER FOR CONTINUANCE OF  
DEADLINES AND ISSUANCE OF  
AMENDED SCHEDULING ORDER

(Clerk's Action Required)

**I. RELIEF REQUESTED**

COME NOW the parties and hereby jointly bring this stipulated motion for an order continuing the deadline for Disclosure of Expert Witness Testimony from March 1, 2021 to April 1, 2021, continuing the deadline for Disclosure of Rebuttal Expert Witness Testimony from March 31, 2021 to April 30, 2021, continuing the deadline for motions related to discovery to be filed from April 12, 2021 to April 26, 2021, and continuing the deadline for Discovery completion from May 10, 2021 to May 21, 2021. All other case deadlines to remain the same.

**II. FACTS**

This case involves issues surrounding ground and surface water runoff from the Defendant City of Aberdeen's property onto Plaintiffs Airharts' property. The parties have been in discovery,

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DEADLINE (3:19-cv-06000-BHS) - 1

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1 but there is a pending site visit by expert witnesses to the Defendant City of Aberdeen's property  
2 on February 26, 2021.

3 The parties have been cooperating in discovery and both parties have submitted written  
4 discovery responses and produced documents in response to written discovery; however, the  
5 parties would like to allow the expert witnesses time to incorporate the information obtained from  
6 the pending site visit into their opinions.

7 Trial is currently scheduled for September 7, 2021 and this motion does not reschedule  
8 the trial.

### 9 **III. AUTHORITY**

10 Granting this stipulated motion will foster judicial economy and serve the interests of  
11 justice. FRCP 6(b)(1)(a) and LCR 16(b)(6) allow the court to extend time for good cause with or  
12 without motion or notice if the court acts, or if a request is made, before the original time or its  
13 extension expires.

14 A motion for continuance is within the sound discretion of the trial court. *Swope v.*  
15 *Sundgren*, 73 Wn.2d 747, 749, 440 P.2d 494, 495 (1968). A trial court, in granting its discretion  
16 to grant adjustment of a trial date, may consider elements including the reasons of the moving  
17 party, effects on the adverse party, the need to resolve the issue and terminate the litigation  
18 without undue delay, the history of litigation, any previous continuances, and other material  
19 matters affecting the exercise of the court's discretion. *Willapa Trading Co. v. Muscanto*, 45 Wn.  
20 App. 779, 785-86, 727 P.2d 687 (1986).

21 Good cause exists warranting this continuance of the deadlines and adjusting the case  
22 schedule for the reasons stated above. Additionally, the parties agree that a continuance is  
23 warranted, as is the issuance of an amended case schedule. No party to this action will be  
24 prejudiced by the allowance of this continuance. Granting the requested continuance and issuing  
25 an amended case schedule order will only foster the orderly and efficient administration of justice.

**IV. CONCLUSION**

For the foregoing reasons, the parties respectfully request this Court grant this Stipulated motion continuing the deadline for Disclosure of Expert Witness Testimony from March 1, 2021 to April 1, 2021, continuing the deadline for Disclosure of Rebuttal Expert Witness Testimony from March 31, 2021 to April 30, 2021, continuing the deadline for motions related to discovery to be filed from April 12, 2021 to April 26, 2021, and continuing the deadline for Discovery completion from May 10, 2021 to May 21, 2021. All other case deadlines to remain the same.

Dated February 23, 2021.

/s/

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**ORDER**

THIS MATTER, having come before the Court on the parties' Stipulated Motion and Order for Continuance of Deadline for Disclosure of Expert Testimony and Issuance of Amended Scheduling Order, and the Court now considering itself fully advised, having reviewed the parties' stipulated motion and the court file,

IT IS HEREBY ORDERED that the parties' Motion for Continuance of Deadline for Disclosure of Expert Testimony and Issuance of Amended Case Schedule Order is GRANTED;

The Clerk shall issue an amended Order Setting Bench Trial and Pretrial Dates, and shall schedule the deadline for Disclosure of Expert Witness Testimony as April 1, 2021, the deadline for Disclosure of Rebuttal Expert Witness Testimony as April 30, 2021, the deadline for motions

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1 related to discovery to be filed as April 26, 2021, and the deadline for Discovery completion as  
2 May 21, 2021. All other case deadlines to remain the same.

3  
4 Dated this 25th day of February, 2021.

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8   
9 BENJAMIN H. SETTLE

10 United States District Judge  
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